

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	2:23-cr-012
	:	JUDGE EDMUND A. SARGUS, JR.
v.	:	
	:	
GREGORY J. PACE,	:	
	:	
Defendant.	:	

PRELIMINARY ORDER OF FORFEITURE

On January 17, 2023, a one-count Information (Doc. 13) was filed in this case charging Defendant Gregory J. Pace with being a Felon in Possession of a Firearm After a Felony Conviction, in violation of 18 U.S.C. §§ 922(g)(1) and 924(a).

In accordance with Rule 32.2 of the Federal Rules of Criminal Procedure, the Information also contained a Forfeiture Allegation notifying Defendant Pace that upon conviction of the offense alleged in Count One of the Information, he shall forfeit to the United States, in accordance with 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), all firearms and ammunition involved in or used in such offense, including, but not limited to, a Smith and Wesson, Model 637, .38 caliber revolver, bearing Serial Number CJN8077, and approximately 8 rounds of .38 caliber ammunition.

On January 17, 2023, a Plea Agreement (Doc. 14) was also filed in this case in which Defendant Pace agreed to plead guilty to Count One of the Information. As part of his Plea Agreement, the Defendant also agreed to voluntarily surrender for immediate forfeiture to the United States all of his right, title, and interest in all firearms and ammunition seized from him during the investigation in his case, including, but not limited to, the Smith and Wesson, Model 637, .38 caliber revolver, bearing Serial Number CJN8077, and approximately 8 rounds of .38

caliber ammunition, described in the Forfeiture Allegation of the Information (hereinafter “the subject property”). Defendant Pace acknowledged that the subject property was involved in or used in the violation of 18 U.S.C. § 922 to which he has agreed to plead guilty and is therefore subject to forfeiture to the United States in accordance with 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c). He also agreed to the entry any orders necessary to complete the forfeiture and disposal of the subject property.

On February 9, 2023, Defendant Gregory J. Pace appeared before this Court and entered a Plea of Guilty to Count One of the Information and agreed to the forfeiture outlined in the Forfeiture Allegation of the Information in accordance with his Plea Agreement. (*See Courtroom Minutes, Doc 17.*)

Therefore, based upon the record of this case and the agreement of the parties, the Court finds that the requisite nexus exists between the subject property identified herein and Count One of the Information, that the subject property is forfeitable under 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), and that the United States is now entitled to possession of the subject property.

Accordingly, it is hereby **ORDERED, ADJUDGED, AND DECREED:**

1. That Defendant Gregory J. Pace shall forfeit to the United States the subject property, that is:

- a. A Smith and Wesson, Model 637, .38 caliber revolver, bearing Serial Number CJN8077; and
- b. Approximately 8 rounds of .38 caliber ammunition.

2. That the designated agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives shall immediately seize the subject property and hold same in its secure custody and control.

3. That the United States is authorized to conduct any discovery proper in identifying, locating, or disposing of the subject property in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. That, in accordance with 21 U.S.C. § 853(n), as incorporated by 28 U.S.C. § 2461(c), and Fed. R. Crim. P. 32.2(b)(6), the United States shall publish notice of this Order and of its intent to dispose of the subject property in such manner as the Attorney General may direct. The United States shall also provide written notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

5. That pursuant to Fed. R. Crim. P. 32.2(b)(4), this Preliminary Order of Forfeiture shall become final as to Defendant Gregory J. Pace at the time of sentencing and shall be made part of the sentence and included in the judgment. If no third party files a timely claim, the United States may, as provided by Fed. R. Crim. P. 32.2(c)(2), notify the Court that this Order shall become the Final Order of Forfeiture.

6. That following the Court's disposition of all petitions filed in accordance with 21 U.S.C. § 853(n), or, if no such petitions are filed, following the expiration of the period for the filing of such petitions, the United States shall have clear title to the subject property.

7. That the Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

ORDERED this 29th day of March, 2023.

s/ Edmund A. Sargus, Jr.
HONORABLE EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

KENNETH L. PARKER
United States Attorney

s/Michael J. Hunter
MICHAEL J. HUNTER (0076815)
Assistant United States Attorney